
CHAPTER 2

AGENCY COORDINATION AND STANDARDS

2.1 EXISTING JURISDICTIONAL BOUNDARIES

The Potholes Reservoir RMP Management Area encompasses approximately 36,200 acres of land (18,500 acres) and water (17,700 acres). Of this total, an estimated 34,920 acres are under Reclamation's jurisdiction with the remaining acreage under the jurisdiction of the Washington Department of Natural Resources (WDNR).

Although the lands and waters under Reclamation jurisdiction were transferred to the State of Washington for administration and management under a MOA with the United States, Reclamation maintains a basic interest in the uses authorized on them. Reclamation's continued interest and involvement insure that (1) nothing is done which conflicts with the primary purposes of the CBP, and (2) the land receives proper use in accordance with appropriate land management principles and practices.

Reclamation's Ephrata Field Office is responsible for providing the oversight and approval of proposed land use activities on Reclamation properties within the Potholes Reservoir Management Area. The SPRC and WDFW are the state agencies currently responsible for most of the day-to-day activities and decisions which directly affect the Potholes Reservoir Management Area. Of the 34,920 acres under Reclamation jurisdiction, approximately 6,620 acres (18 percent) were withdrawn from the public domain and 28,300 acres (81 percent) were acquired in fee title for the construction and operation of Potholes Reservoir and other CBP purposes.

The following sections describe the existing management situation and involved work groups, existing management agreements, land use agreements, and land use activities which directly affect the Potholes Reservoir Management Area's present landscape and resources. Existing management plans, applicable state and local laws and ordinances, county comprehensive plans, and adjacent land uses are identified and described.

2.1.1 Land Management Agency and Ad Hoc Work Groups

A Land Management Agency Work Group, consisting of representatives from Reclamation, WDFW, SPRC and the Grant County Sheriff's Office, provided critical input throughout the RMP/EIS study process. This input was received through Land Management Agency Work Group meetings as well as one-on-one agency contact and consultation with the study team. Since these agencies are directly responsible for the day-to-day management and law enforcement activities within the overall

management area, Land Management Agency participation was particularly instrumental in identifying the goals and objectives used to complete the alternatives development process. Their participation also provided the agency with perspective, direction, guidance and input needed to insure that the alternatives developed addressed the depth and breadth of issues and concerns identified.

An Ad Hoc Agency Work Group was established to bring together all of the agencies associated with Potholes Reservoir, and to act as a sounding board for the Land Management Agency Work Group. The Ad Hoc Agency Work Group consisted of a broad cross-section of resource, Tribal, and local agency personnel (e.g., USFWS, U.S. Bureau of Land Management (BLM), the CBP Irrigation Districts, Grant County Noxious Weed Control Board, WDNR, and others).

Reclamation initiated direct contact with the Confederated Tribes of the Colville Reservation, the Confederated Tribes of the Yakama Indian Nation, and the Spokane Indian Tribe. Invitations to Public Scoping, Ad Hoc Meetings and Land Management Agency Work Groups were sent to tribal affiliates. Native Americans with interests at Potholes Reservoir were consulted, as appropriate, to identify, protect, or mitigate effects to sacred or traditional cultural properties.

Cultural resource investigations and consultations for developments proposed in the areas not previously surveyed have been conducted. In most cases, if cultural resources are present in a proposed development area, actions would include: avoidance of the site, or, if avoidance is not possible, minimize the adverse effect(s) with appropriate management or mitigative actions. Management actions would be defined in a MOA with the Washington State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation (the Advisory Council).

2.1.2 Fish and Wildlife Coordination Act

In accordance with the Fish and Wildlife Coordination Act (48 Stat 401, as amended, 16 U.S.C. 661 et seq.), the USFWS provided Reclamation a draft Planning Aid Report in January 1999 documenting the preliminary findings of the Service's Habitat Evaluation Procedures (HEP) analysis conducted in 1999 (Appendix B). The objective of the HEP study was to quantify and describe current wildlife habitat conditions on Special Areas of Concern (SAC) and on adjacent control sites. SACs were defined as those areas under consideration by Reclamation for management changes under the RMP recommended action.

A final Planning Aid Report was submitted to Reclamation on March 24, 2000, and provided additional information gained through the HEP analysis. The purpose of the HEP study was to identify (1) baseline data on current habitat conditions, (2) impacts from recreational use on wildlife/vegetative communities, (3) project habitat changes from the RMP alternative actions based on the HEP analysis,

and (4) management recommendations. The March report addressed the first and second goals of the HEP study and set aside the third and fourth goals for the subsequent Coordination Act Report to be prepared by the USFWS.

A Draft CAR was submitted to Reclamation on April 14, 2000 and a final on July 21, 2000 to assist in the preparation of the Potholes Reservoir RMP/EIS. The report detailed the USFWS perspective on impacts to wildlife resources and habitats at Potholes Reservoir with each of the RMP/EIS alternatives. The final report identifies and recommends mitigation measures to reduce or minimize potential adverse impacts on wildlife. Listed below are the recommended and approved mitigation measures (Appendix C).

- Every attempt will be made to meet the objectives of the RMP for habitat restoration.
- It is not anticipated that the managing agencies, with financial assistance from Reclamation, will be more aggressive in attempting control of non-native plants. It is believed with the limitation on funding and technology that such attempts may result in more damage to plant communities than benefits from control of weeds.
- Managing agencies would be directed by the RMP to meet the objectives of habitat protection for fish and wildlife when implementing any project.
- It is not anticipated that Reclamation will provide funding for law enforcement in the Potholes Management Area. Managing agencies may, on their own, choose to direct more of their resources to protection of resources within the area.
- When additional information is available, Reclamation will evaluate possible measures to protect or enhance the Northern leopard frog's habitat.
- Reclamation will encourage the managing agencies to identify and protect gray cryptantha.
- It is not anticipated that Reclamation will fund a study of grebes in the Potholes Management Area. Reclamation might participate with other managing agencies in such a study.
- Reclamation anticipates that the managing agencies will establish monitoring procedures (to address fish and wildlife habitat) and recommend changes to management actions when warranted.

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- When major construction or development activities occur, Reclamation will consult with the USFWS.
 - Reclamation will work with the WDFW to site Watchable Wildlife areas in the least intrusive (to wildlife) locations.
 - The RMP will be structured to allow for adaptive management.

2.2 MANAGEMENT AGREEMENTS

Under the terms of a 50-year MOA dated July 10, 1952, between the United States and the State of Washington, the state assumed management responsibility for the recreational, fish, and wildlife resources occupying Reclamation lands and waters at Potholes Reservoir. The SPRC and WDFW are the principle state agencies responsible for managing essentially all Potholes Reservoir land use activities until the MOA terminates in 2002.

Under the MOA, Reclamation retains primary jurisdiction over developments within the Reclamation Zone for Potholes Reservoir. The Reclamation Zone includes all lands on which O'Sullivan Dam and their appurtenant works are situated, and that portion of the reservoir area generally lying within a strip 200 feet in horizontal width above the reservoir's full pool elevation of 1,046.5 feet. Such jurisdiction is maintained by Reclamation for the purpose of insuring proper operation and protection of the reservoir. All developments and actions affecting lands within the Reclamation Zone must be approved by Reclamation.

As a guide to the administration of the area, the MOA requires the state to prepare development plans within the reservoir area. Such plans are to be submitted to Reclamation for review and for consultation with the National Park Service (NPS) and the USFWS. The state may build and maintain any facility or service for recreation purposes and may set aside lands as refuges for wildlife or public shooting grounds. All such actions and developments, however, require prior approval by Reclamation.

The MOA empowers the state to issue and administer licenses, permits, and concession contracts for the purpose of providing commodities and public services at the reservoir. All licenses, permits and contracts are submitted and approved by Reclamation before issuance. The MOA also empowers the state, within the limits of its jurisdiction, to make and enforce rules and regulations for the use of the reservoir area as necessary to protect public health and safety; to protect plants, fish and wildlife; and to preserve the scenic, scientific, aesthetic, historic, and archaeological resources of the area.

The state is required to report its revenues from licenses, permits and concession contracts, and its expenditures of such receipts for area administration. Any surpluses of such receipts over expenditures are transferred to the United States.

Memorandum of Agreement between State of Washington Department of Game and State of Washington State Parks and Recreation Commission

Under a MOA dated July 15, 1952 between the WDFW (formerly the Department of Game) and the SPRC, all lands transferred from the United States to the state are to be administered by the WDFW with the exception of the following SPRC administered areas: O’Sullivan, Blythe, Peninsula and Lind Coulee Sites, and Potholes State Park. Each agency is responsible for the development, maintenance and management of their respective areas.

Although the existing MOA divided and determined specific responsibilities between the two agencies, the reader should note that the lands administered by the SPRC are currently limited to the O’Sullivan Site (North and South) and Potholes State Park. All other RMP lands are currently administered by the WDFW.

2.3 LAND USE AGREEMENTS

As described below, most land use activities at Potholes Reservoir are authorized by specific land use agreements with either the SPRC, WDFW, or Reclamation. The SPRC uses a lease agreement as its primary authorization instrument, whereas the WDFW administers a grazing permit and agricultural lease program. Currently there are no second party subleases, concession agreements, or special use permits authorized in the Potholes Reservoir Management Area.

Interlocal Cooperative Agreement between Washington State Parks and Recreation Commission and the Washington Department of Natural Resources

Dated April 1, 1999, this SPRC administered agreement authorizes the WDNR to provide for the management of recreational resources on 30-acres of Reclamation land currently used for the Mar Don Resort facility. Currently, this Reclamation parcel, together with a WDNR parcel, are leased under a separate agreement (see Lease No. 62395) for the resort. The term of the interlocal agreement is from April 1, 1999 to July 10, 2002. Renewal or extension of the agreement is subject to the extension or replacement of the 1952 MOA between the United States and Washington State, and to the additional approval of Reclamation. The annual fee paid to the SPRC is \$6,000.

State of Washington Department of Natural Resources (Lease No. 62395)

Under a lease dated April 1, 1979 between the WDNR and The New Mar Don Resort, Inc. (lessee), approximately 30 acres of Reclamation land (per above agreement) and 30 acres of WDNR lands are authorized for motel facilities, permanent mobile home space rental, overnight camping for trailers, recreational vehicles (RVs), tents, picnic facilities, swimming, boating and beach use. The previous lease with Mar Don expired on March 31, 1999 and was extended to the year 2002 per the interlocal agreement described above.

Land Use Agreement

A land use agreement dated November 16, 1993, between the WDFW and Grant County, allows the county to operate and maintain an Off Road Vehicle (ORV) Area on approximately 2,144 acres of Reclamation land (based on a reservoir elevation of 1,039 feet). Currently, an estimated 105 acres located in the Eastern Bluffs management area are included in the land use agreement, but situated outside the authorized ORV riding area.

Potholes East Canal Headworks Powerplant Project Agreement

An agreement dated July 21, 1986 between Public Utility District (PUD) No. 2 of Grant County and the South Columbia Basin, East Columbia Basin, and Quincy-Columbia Basin irrigation districts (Districts) allows the PUD to construct and operate an electric generating plant at the Potholes East Canal (PEC). The agreement terminates 40 years from the beginning operation date for the project or October 1, 2032, whichever occurs first.

Agreement for Fisheries Mitigation for PEC Headworks Project (FERC No. 2840-003)

An agreement dated September 25, 1987 between the WDFW and the Districts satisfies Article 40 under Federal Energy Regulatory Commission (FERC) License No. 2840-003. Article 40 requires the Districts to develop a fishery mitigation plan for losses due to the PEC Headworks Project. The plan calls for trout hatchery production at the Columbia Basin Hatchery and a rearing facility at the Moran Slough at Priest Rapids Dam. The rearing facility has not yet been developed, although the permit for Moran Slough expires in the year 2005. This agreement is effective until the expiration of FERC License No. 2840-003.

Washington Department of Fish and Wildlife Fire Protection Contract

A fire protection contract between Fire Protection District Numbers 4, 5, and 11 and the WDFW stipulates that the districts provide fire protection services to all lands, buildings, and equipment owned,

controlled or managed by the WDFW within and/or adjacent to the boundaries of each fire district. The contract term extends for an indefinite period and can be terminated by either party with 90 days written notice before the end of each year. The WDFW is required to pay to the districts a fee based on the assessed land and building valuation calculated at the same rate levied on similar private property. Such fees are paid at the end of each contract year (December 31).

Memorandum of Understanding between Grant County Mosquito Control District No. 1 and the Washington Department of Fish and Wildlife

A 1991 Memorandum of Understanding (MOU) between Grant County Mosquito Control District No. 1 and the WDFW was renewed on April 11, 1997. The 5-year MOU gives the district jurisdiction to apply mosquito control actions on lands owned, controlled, or managed by the WDFW. The WDFW is extremely interested in minimizing the use of chemicals or mosquito control applications that could impact non-target species important to the food chains of local fish and wildlife. The district agrees to use biological pesticides as their primary pesticide, as approved through the State Environmental Protection Act (SEPA) process. The district is required to comply with the restrictions outlined in the MOU on the application of chemicals on lands and waters managed by the WDFW.

In an effort to assist the district in understanding WDFW's concerns and special requirements, the WDFW is required to provide the district a Master Plan identifying:

- a map of the lands managed by WDFW;
- a map of non-fish waters of special concern to WDFW (i.e., waterfowl and nongame waters);
- plans for increasing habitat by flooding, shoreline work, or any other water projects;
- waterways and wetlands of specific concern for federal/state endangered, threatened and/or species of concern; and
- plans for proposed ponds and wetland developments for wildlife enhancement.

Washington Department of Fish and Wildlife Grazing Permit

A single, 5-year grazing permit (#TP-01), issued and administered by the WDFW, authorizes livestock grazing in the upper northwest portion of the Potholes Reservoir Management Area. Table 2.3-1 summarizes the permit. The following general permit conditions apply:

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- WDFW reserves the right to alter and change the provisions of the grazing use plan to include reduction in acres of pasture available and number of Animal-Unit-Months (AUMs) authorized when WDFW determines that such changes are required to benefit fish or wildlife management or public hunting and other recreational uses.
 - WDFW reserves the right to cancel the permit in the event the area authorized for grazing in the permit is included in a land use plan determined by WDFW to be a higher and better use. Such cancellation will be in writing, will state the reason for cancellation, and notice will be at least 90 days before cancellation.
 - Range improvements such as seeding, water developments, fertilization, etc. may be agreed upon and performed by the permittee only with WDFW written approval.
 - Major fence repairs will be the responsibility of WDFW when their examination reveals that replacement is warranted. Minor fence maintenance is the responsibility of the permittee to assure the fences will contain and control livestock.
 - All permit lands will remain open for public hunting, fishing, and other recreational uses.
 - Permittees are obligated to pay a 12.84 percent leasehold excise tax on all grazing fees in addition to the annual payment of an AUM fee based on fair market value.
 - The terms and conditions of a renewed permit are subject to change in land area, grazing management, AUM allotment, and fees. If it is found that permit renewal is in the best interest of WDFW, the permittee will be provided the option of meeting the highest bid made at public auction.

Washington Department of Fish and Wildlife Agricultural Leases

There are six agricultural leases (encompassing about 52 acres) issued and administered by the WDFW within the Potholes Management Area. All of them involve Reclamation lands in the Lind Coulee Arm (East and West) and authorize the production of food and cover for wildlife. Each lease also provides for continued recreation use while granting exclusive right to the lessee for farming. Table 2.3-1 summarizes the leases. The following general conditions apply to all the agricultural leases issued within the Potholes Reservoir Management Area:

- Lessee agrees to provide all labor, water, seed, fertilizer, herbicides, and equipment for establishing crops.

- Use good farm management according to local standards to ensure ecosystem health and protection of soils.
- Weed control should be done using mutually acceptable standards.
- Lands should be prevented from becoming a fire hazard.
- Land shall be open at all times for hunting, fishing and other recreational uses managed by the WDFW.

Table 2.3-1
Agricultural Leases and Grazing Permits Administered by the Washington Department
of Fish and Wildlife at Potholes Reservoir

Lessee	Lease No.	Total Acreage	Term	Rent/Year	Allocation
Ray Dagnon	TP-01 (Grazing Permit)	7400	4 grazing seasons Commence: 1/1/95 Terminate: 12/31/99	Fair market value per AUM	600 AUMs
Lee Williams	TP-02 (Agricultural Lease)	19	5 crop years Commence: 1/1/99 Terminate: 12/31/03	2.1 acres of standing grain over winter	
Cheryl Gunderson	TP-04 (Agricultural Lease)	4.6	5 crop years Commence: 3/31/96 Terminate: 12/31/00	\$50/acre	
Lee Walker	TP-06 (Agricultural Lease)	17.5	5 crop years Commence: 3/31/96 Terminate: 12/31/00	17.5 acres of wildlife food and cover	
Leif Ludvigson	TP-07 (Agricultural Lease)	1.17	5 crop years Commence: 3/31/96 Terminate: 12/31/00	\$58.50	
Terry Hulbert	TP-08 (Agricultural Lease)	2.7	5 crop years Commence: 3/31/96 Terminate: 12/31/00	\$100.00	
Bruce Roylance	TP-09 (Agricultural Lease)	7	5 crop years Commence: 4/1/95 Terminate: 12/31/99	\$420.00 plus excise tax or 16-foot strip standing grain around perimeter	

2.4 OTHER LAND USES

2.4.1 Gravel and Landfill Sites

A gravel pit is located in the Potholes Reservoir Management Area within the northeast 1/4 of Section 35, Township 19 North, Range 28 East, and is accessed by D.5 SE Road just south of Interstate 90. An inactive landfill site is located within the northwest 1/4 of Section 21, Township 19 North Range 28 East and is accessed from South Frontage Road just south of Interstate 90.

2.4.2 North Potholes Reserve

Established in 1979, North Potholes Reserve was established by the State Game Commission. Managed by the WDFW, the reserve encompasses about 3,650 acres. The amount of water varies in size from approximately 250 acres at low water in September to about 750 acres at high water in March. Within the boundaries of the reserve, it is unlawful to hunt game animals, game birds, or to trap fur-bearing animals.

The primary purpose of the reserve is to provide migrating waterfowl with a protected resting area in the north part of the Columbia Basin. In September 1978, the north-south access road near the west boundary of the preserve was closed to motor vehicle travel. Vehicular access to Jobs Corps Dike which separates the main reservoir from the reserve is still available via the channel access road to the east.

2.4.3 Potholes State Park

Potholes State Park is about 640 acres in size and managed by the SPRC. Located on the southwest shore of the reservoir and north of State Highway 262, the park is a well-maintained facility with a wide variety of overnight and day use facilities. Recreation facilities provided by the SPRC include campsites with or without utility hookups, picnic sites, a swimming area, boat launch lanes, fish cleaning stations, comfort stations, access roads, and other support facilities and amenities. A detailed discussion of recreation resources, use, and access is provided in Chapter 4.

2.4.4 Boat Launch Sites

Within the administration areas established between the SPRC and WDFW, the SPRC is responsible for the operation and maintenance of one boat launch site within Potholes State Park, and the WDFW

is responsible for seven boat launch sites at Potholes Reservoir (see Table 2.4-1). Operation and maintenance responsibilities for the other boat launch site located at the Mar Don Resort is the responsibility of the respective lessee.

Table 2.4-1
Boat Launch Sites and Operation and Maintenance Responsibilities
Potholes Reservoir, Washington

<p style="text-align: center;">Washington Department of Fish and Wildlife</p> <p style="text-align: center;">Blythe Boat Launch Glen Williams Boat Launch West Lind Coulee Boat Launch Road “M” Boat Launch Powerline Boat Launch Cartop Boat Launch (informal/unmaintained) Job Corps Dike Boat Launch (informal/unmaintained)</p>
<p style="text-align: center;">Washington State Parks and Recreation Commission</p> <p style="text-align: center;">Potholes State Park</p>
<p style="text-align: center;">Mar Don Resort Lessee</p> <p style="text-align: center;">Mar Don Resort</p>

2.5 EXISTING LAND MANAGEMENT PLANS

A number of specific land management plans have been developed by federal, state, and local agencies to assist in the management of land use activities and resources within or near the Potholes Reservoir Management Area. Existing management plans affecting the Potholes Reservoir area are identified and summarized below.

Grant County Comprehensive Plan - The Grant County Comprehensive Plan was adopted in September, 1999 pursuant to the Washington State Growth Management Act (RCW 36.70A). The updated Plan addresses land use, critical areas and resource lands, housing, transportation, capital

facilities, and utilities within county boundaries. Specific to the “Open Space and Recreation” designation which encompasses the Potholes Reservoir Management Area, the Growth Management Act (GMA) goal for these lands encourages the retention of open space, the development of recreational opportunities, the conservation of fish and wildlife habitat, and access to natural resource lands and water. This GMA goal and the associated policies outlined in the Plan were considered in development of alternatives. Similarly, the management actions under consideration could indirectly affect areas under county jurisdiction and authority.

Columbia Basin Wildlife Area Management Plan - As part of the WDFW’s public holdings, the Columbia Basin Wildlife Area (CBWA) incorporates many scattered tracts of land developed as a result of Reclamation’s Columbia Basin Project. In 1997, the plan was drafted to provide guidance for the management of these tracts. While Potholes Reservoir is one of the sixteen management units within the CBWA, no specific wildlife management proposals or activities were developed for the unit.

Grant County Shorelines Management Master Program - Potholes Reservoir is listed as a shoreline of statewide significance in the Grant County Shorelines Management Master Program (WAS 173-20-290). To the extent practicable, shorelines under Reclamation jurisdiction are managed in accordance with Grant County guidelines. The recommended action under the RMP adheres to the objectives established for each of the Master Program environments identified at Potholes Reservoir.

Ground Water Management Area - In 1998, under recommendation of the Washington State Interagency Ground Water Committee (WIGWC), a Ground Water Management Area (GWMA) was established that encompasses Grant, Adams, and Franklin counties. The state, in cooperation with the county health districts, monitors nitrate levels throughout the GWMA to identify areas of particular concern for implementing additional agricultural “Best Management Practices” (BMPs).